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GP140-04.UT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Linnen et al.) Group Art Unit: 1648
Serial No.:	10/688,489	<u>}</u>
Filed:	October 16, 2003)
For:	Compositions and Methods for Detecting West Nile Virus) }
Examiner:	Zachariah Lucas	

RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

In response to the Communication mailed from the Patent and Trademark Office on December 16, 2004, please consider the following.

An Election in Response to Restriction Requirement begins on page 2 of this paper.

Amendments to the Claims are reflected in the Listing of Claims which begins on page 3 of this paper.

Remarks begin on page 5 of this paper.

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FROM:

Michael J. Gilly

Gen-Probe Incorporated

10210 Genetic Center Drive San Diego, California 92121 Phone No. (858) 410-8657

Facsimile No. (858) 410-8928

TO:

Examiner: LUCAS, Zachariah

Group 1648

U.S. Patent & Trademark Office

Facsimile No. (703) 872-9306

Number of pages (including this cover page): 11

In re Patent Application of:)	Group Art Unit: 1648
LINNEN et al.)	Examiner: LUCAS, Zachariah
Serial No. 10/688,489)	Atty. Docket No. GP140-04.UT
Filed: October 16, 2003)	Confirmation No. 3927
Title: COMPOSITIONS AND METHODS FOR DETECTING WEST NILE VIRUS)	Date: March 15, 2005
3) Fee Transmittal (PT	on of Time - O/SB/17), in	l pg.; 2 Mo. (PTO/SB/22), in duplicate, 2 pgs.; n duplicate, 2 pgs.; and ment and Preliminary Amendment, 5 pgs.

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Date: March 15, 2005

Michael J. Gilly

Registration No. 42,579

Attorney for Applicants

T-527 P.002/011 F-513

PYO/SB/21 (09-04) Approved for use through 07/31/2006, OMB 0851-0031 U.S. Parent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Persenwork Reduction Act of 1895, no persons are repulled to respond to a collection of information unless it displays a valid OMB control number. Application Number 10/688,489 Filing Date TRANSMITTAL October 16, 2003 Central Pau Center First Named Inventor FORM LINNEN et al. Art Unit MAD 1 <u> 5 2005</u> Examiner Name LUCAS, Zachariah (to be used for all correspondence after initial filing) Attorney Docket Number GP140-04.UT Total Number of Pages in This Submission **ENCLOSURES** (Check all that apply) After Allowance Communication to TC ✓ Fee Transmittal Form Drawing(s) Appeal Communication to Board Licensing-related Papers of Appeals and Interferences Fee Attached Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Petition Amendment/Reply Petition to Convert to a Proprietary Information Provisional Application After Final Power of Attorney, Revocation Change of Correspondence Address Affidavits/declaration(s) Other Enclosure(s) (please Identify Terminal Disclaimer Extension of Time Request below): Facsimile Cover Sheet Request for Refund Express Abandonment Request CD, Number of CD(s) Information Disclosure Statement Landscape Table on CD Certified Copy of Priority Remarks Document(s) Response to Restriction Requirement and Preliminary Amendment Reply to Missing Parts/ Incomplete Application Reply to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Name Gen-Probe incorporated Signature Printed name Michael J. Gilly Reg. No. Date March 15, 2005 42,579 CERTIFICATE OF TRANSMISSION/MAILING I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: Stanature

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to This collection of information is required by 37 CFR 1.5. The intermation is required to distant of the public which is the collection of process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria; VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date

March 15, 2005

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Michael J. Gilly

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This collection of Information is required by 37 CFR 1.135. The Information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FIEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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METHOD OF PAYMENT (check all that apply)										
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X Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee Charge fee(s) indicated below, except for the filing fee Credit any overpayments Under 37 CFR 1.16 and 1.17 WARNING: Information on this form may become public. Credit card information abould not be included on this form. Provide credit card information and authorization on PTO-2038.										
FEE CALCULA	LION									
1. BASIC FILING	BASIC FILING, SEARCH, AND EXAMINATION FEES FILING FEES SEARCH FEES EXAMINATION FEES									
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3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity)										
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4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount)										
Other: Petition for Extension of Time - 2 Mo. \$450.00										
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Date March 15, 2005 Name (Print/Type) Michael J. Gilly

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